IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN AT JAIPUR BENCH, JAIPUR

D.B. Civil Special Appeal (Writ) No. 297/2007

Haji Ismail S/o Khaju Khan, By Caste Muslim, aged about 63 years, R/o Shivdaspura, Tehsil-Chaksu, District Jaipur

.....Appellant

Versus

1. District Judge, Jaipur District, Jaipur
2. Additional Civil Judge (J.D.) No.3, Jaipur District, Jaipur
3. Gopi S/o Shori Lal
4. Hanuman s/o Gopi
5. Dhanna Lal S/o Gopi

All by caste Meena, R/o Shivdaspura, Tehsil Chaksu, District Jaipur

.....Respondents

Date of Order :: 16th April, 2007

PRESENT

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE R.S. CHAUHAN

Mr. Mohammed Anees for the appellant

The trial court has given good reasons in paragraphs 8 and 9 of it's order for not accepting the application for setting-aside the ex-parte decree. As a matter fact the trial court did not find the stand of the present appellant trustworthy that he met his advocate on 29.3.1996 after he returned from Saudi Arabia and at that time he came to know of the ex-parte decree. The challenge to the order of the trial court at the instance of the appellant was unsuccessful before the District Judge, Jaipur District as well as the Single Judge.

2. We find no justifiable reason to take a different view.

3. The decision of the Supreme Court in the case of Malkiat Singh and another Versus Joginder Singh and others {**AIR 1998 Supreme Court 258**} has no application to the facts of the present case.

4. Special appeal does not deserve to be admitted. It is dismissed in limine.

R.S. Chauhan, J. R.M. Lodha,J.

DK/-